

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Plaintiff,

v.

EDWARD MONET KNIGHT,

Defendant.

Case No. 3:19-cr-00038-MMD-CLB

ORDER

I. SUMMARY

Defendant Edward Monet Knight is charged with four counts: Counts One and Three involve interference with commerce by robbery in violation of 18 U.S.C. § 1951; and Counts Two and Four involve use of a firearm during and in relation to a crime of violence in violation of 18 U.S.C. § 924(c)(1)(A)(ii). (ECF No. 14.) Before the Court is Knight's motion to dismiss indictment under Fed. R. Crim. P. 12(b)(3)(A).¹ (ECF No. 107 ("Motion").) Because the Court agrees with the government that sufficient evidence supports the grand jury's probable cause determination that Knight committed the offenses charged in the Indictment, the Court will deny the Motion.

II. BACKGROUND

The Indictment charges Knight in Count One with robbery of PJ's Discount Liquor ("PJ's") in Sparks, Nevada on or about July 7, 2019. (ECF No. 14 at 1.) Count Three involved robbery of Rainbow Market ("the Market") also in Sparks, Nevada on or about July 8, 2019. (*Id.* at 2.) Counts Two and Four in turn charge Knight with use of a firearm

¹The Court has reviewed the government's response (ECF No. 111) and Defendant's reply (ECF No. 117 (corrected image of reply)).

1 during and in relation to the crime of violence charged in Counts One and Three,
2 respectively. (*Id.* at 2-3.)

3 As pertinent to the Motion, Knight does not challenge the grand jury's finding of
4 probable cause that the robberies occurred as charged in Count One and Count Two or
5 that the offenses were committed by the same individual. The Motion instead challenges
6 the evidence supporting the grand jury's probable cause finding that Knight was the
7 alleged perpetrator who committed the robberies. In an order addressing Defendant's
8 motion in limine, the Court defined the contours of the testimony of one of the
9 government's witnesses, Detective Edward Wilson, who investigated both robberies and
10 saw Defendant at the police station while Defendant's DNA was being taken. (ECF No.
11 57.) In particular, the Court disallowed Detective Wilson from testifying that Knight was
12 the individual who committed the robberies but permitted him to testify about his
13 investigation into the robberies, the evidence he has reviewed and gathered, and why
14 such evidence led him to pursue Knight but not other suspects. (*Id.* at 3-4.) Based on the
15 Court's exclusion of Detective Wilson's lay opinion identification testimony, Knight now
16 moves for dismissal. (ECF No. 107.)

17 **III. DISCUSSION**

18 Defendant asserts two grounds for dismissal all premised on exclusion of Detective
19 Wilson's testimony before the grand jury identifying Knight as the alleged perpetrator in
20 both robberies: the grand jury abdicated its role by relying on Detective Wilson's lay
21 opinion testimony which the Court has since excluded; and the government's reliance on
22 Detective Wilson's testimony violated Knight's Fifth Amendment right to due process and
23 resulted in actual prejudice. (ECF No. 107 at 4-9.) The government counters that
24 sufficient circumstantial evidence was presented to the grand jury to establish probable
25 cause that Knight committed the offenses charged in the Indictment even disregarding
26 Detective Wilson's opinion testimony that Knight was the alleged perpetrator. (ECF No.
27 111 at 3-7.) The Court agrees with the government.

28 ///

1 As the Supreme Court recently reiterated, the Court “has often recognized the
2 grand jury’s singular role in finding the probable cause necessary to initiate a prosecution
3 for a serious crime.” *Kaley v. United States*, 134 S. Ct. 1090, 1097 (2014). “The grand jury
4 gets to say—without any review, oversight, or second-guessing—whether probable cause
5 exists to think that a person committed a crime.” *Id.* at 1098. Here, the grand jury did just
6 that, and the evidence before the grand jury supports the grand jury’s probable cause
7 finding that Knight committed the offenses charged in the Indictment.

8 As the government pointed out in its response, the grand jury was presented with
9 sufficient evidence to support their probable cause finding. (ECF No. 111 at 5.) The grand
10 jury heard testimony that a black Lincoln MKS vehicle was parked in the area where the
11 robber was seen running after robbing the Market with the driver matching the description
12 of the robber (ECF No. 112 at 10), that officers who responded to the incident at the Market
13 observed in plain sight a significant amount of cash in the center console of the black
14 Lincoln MKS vehicle (*Id.* at 12), that the firearm found in the vehicle matched the
15 descriptions of the firearm used in both robberies (*Id.* at 6-8, 12), that Knight’s girlfriend
16 reported he stole her vehicle and the timeframe when she realized both Knight and the
17 vehicle were missing matches the timeframe of the Market robbery (*Id.* at 13-14), and that
18 in a subsequent search of the vehicle officers found cash consistent with what was taken
19 from the Rainbow Market along with Knight’s ID (*Id.* at 14-15). Such evidence supports
20 the grand jury’s determination of probable cause to believe Knight committed the offenses
21 charged in the Indictment.²

22 Knight argues that each item of evidence the government offered in its response
23 falls short of linking him to the robberies. (ECF No. 117 at 2-4.) However, the grand jury
24

25 ²Again, Knight does not really dispute that the two robberies were committed by the
26 same individual. Regardless, the grand jury was presented with sufficient evidence for
27 them to find that the same person committed both robberies. The gun used in both
28 robberies shared the same description. (ECF No. 112 at 6-8, 12). Detective Wilson
testified that the PJ’s surveillance video showed a black vehicle matching the description
of the Lincoln MKS with a male occupant exiting the vehicle shortly before the time of the
robbery and then running back to the vehicle after the robbery at PJ’s. (*Id.* at 16.)

1 would presumably consider the items in the vehicle collectively to find probable cause that
2 Knight was the individual who committed the robberies. Moreover, Knight minimizes the
3 evidence of his ID found in the vehicle connected with the robbery of the Market, testimony
4 showing that the driver of the black Lincoln MKS parked in the area of the Market matched
5 the description of the robber, and of the cash found in the vehicle. His argument goes to
6 the weight of the evidence. But “[t]he grand jury gets to say . . . whether probable cause
7 exists to think that a person committed a crime.” *Kaley*, 134 S. Ct. at 1098.

8 **IV. CONCLUSION**

9 The Court notes that the parties made several arguments and cited to several cases
10 not discussed above. The Court has reviewed these arguments and cases and determines
11 that they do not warrant discussion as they do not affect the outcome of the Motion before
12 the Court.

13 It is therefore ordered that Defendant’s motion to dismiss (ECF No. 107) is denied.

14 DATED THIS 19th Day of February 2021.

15
16 

17 _____
18 MIRANDA M. DU
19 CHIEF UNITED STATES DISTRICT JUDGE
20
21
22
23
24
25
26
27
28